

# The Russellville Democrat.

JAMES E. BATTENFIELD, Editor.

DEVOTED TO LOCAL, POLITICAL, COMMERCIAL, AGRICULTURAL AND LITERARY INTELLIGENCE.

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RUSSELLVILLE, ARK., THURSDAY, JANUARY 27, 1876.

NO. 1.

## CONVICT LABOR.

We are gratified to know that popular indignation is beginning to manifest itself all over the state against the employment of convict labor outside of its legitimate sphere. Particularly are we glad to see that the people at the capital—the people of Little Rock and Argenta—are moving in the matter. As will be seen by the resolution passed at a large meeting held at Argenta, which we publish elsewhere in to-day's paper, the masses are getting in earnest about the matter, and it is to be hoped that there will be such a storm of indignation hurled at the ruinous and demoralizing practice that the nuisance—and worse than a nuisance—will be abated and prohibited. Our community have on a former occasion expressed their repugnance and disapproval of the outrage, in no uncertain terms, but at the time they met with but little sympathy or co-operation from any other section. We are therefore glad to see other sections waking up to a realizing sense of the detriment which this system is calculated to entail upon the laboring masses and the prosperity of our State. The spirit of the resolutions adopted by the Argenta meeting are the natural breathings which would reasonably be expected to emanate from all honest freemen and lovers of justice, and we trust that the press of the State and the people at large will second any and all peaceful and lawful remedies or measures to suppress the outrageous practice. If the state government of Arkansas is not able to maintain a state prison for the confinement and punishment of criminals, without letting out their labor in competition with the free labor of honest, upright artisans and laborers—peddling it out all over the State—we had better take in our sign.

## THE MANAGEMENT OF THE PENITENTIARY.

The Grand Jury of Pulaski county have had the case of one of the guards, Mark Harris, presented to them for investigation, on the ground of said guard voluntarily permitting the escape of convicts from the penitentiary; and in the course of their search they think they have discovered that there is a screw loose in the management; and the lessee is by them considered guilty of a gross violation of duty in permitting convicts outside of the walls without a sufficient guard, as they deem was the case in this instance. The jury in their report say: "They feel that if there be no clause of the criminal law of the State which is broad enough to meet such a case as this presents—so gross a violation of duty on the part of the superintendent, that there must be a check put upon such mismanagement by means of a forfeiture of his contract, and they hereby give it as their unanimous voice that if such conduct be persisted in, the power indicated ought to be revoked for the protection of the people from the depredations of these desperate men."

Judge Williams in response to the report, stated that if they believed that the prisoners were sent out without a sufficient guard it was their duty to hold the lessee equally responsible with the guard, and the whole matter was re-committed to the jury.

The question with the honest laboring people of the State now is, will the lessee be held equally responsible, or will he "wine and dine" out of it.

—Senator Dorsey has introduced a bill authorizing the bridging of the Mississippi river at Memphis.

—In the Ohio legislature last week, a resolution against the third term was adopted, by a vote of 87 to 15.

## THE JURY SYSTEM.

The retiring Governor, of the State of Iowa, has invited the Legislature to take steps to do away with the requirement of unanimity in a jury to secure a verdict. This requirement he looks upon as an antique absurdity, which has for a long time fettered the administration of justice, and says that a change would conform the jury system more nearly to modern ideas and practical common sense.

The question here raised by Governor Carpenter is one of vast importance, and one, too, which would have a most important bearing upon the administration of the laws in both civil and criminal proceedings. The annoyance, delay and defeat of the administration of justice from the cause of struck juries, has for a long time been a source of great objection to the jury system, and no reasonable objection can be urged against such amendment or modification of the system, as would secure greater expedition and efficiency in the conduct of trials by jury. Why the opinion of nine men of equal intelligence, with the same evidence and law before them, should not overrule that of three in the capacity of jurors, as well as in other transactions, is something for which no ample reason can be given.

If Iowa will lead off in this new system, there is but little doubt that the healthful results of the change, would soon induce a general adoption of the new jury system by the States.

## CONVICT LABOR.

The agitation of the question whether convict labor shall be allowed to supplant and drive out honest, free labor from our State, has awakened so much feeling, that there is not likely to be much peace between the laboring masses and the powers that be, until there is a solution of this matter. The feeling at the Capital and at Argenta had become so highly worked up that the City Council of Little Rock, passed a resolution empowering and directing the Mayor to have the nuisance abated.

This action called forth a communication from the Board of Commissioners of the Penitentiary, to the Mayor and City Council, which we regret to know, fully sustains the Lessee in the very deleterious practice of working convict labor as he may choose.

The Commissioners say: "The Lessee will be allowed to work the convicts of the penitentiary outside the walls and protected in so doing, until the same is decided to be unlawful by the Courts." From this we may infer, that the Commissioners favor the position that when a convicted felon is sentenced to "hard labor in the State Prison," it means that the State may allow a Lessee of the Prison in Little Rock, to create branch prisons all over the State, and supplant honest, free labor on the farm, in the factory, and in the mine, with the labor of felons? This is not a very favorable opinion to the honest laborer, and will hardly be calculated to bring new acquisitions of "bone and sinew" to our State. Had our Commissioners decided, that the Courts when they sentenced a man to the penitentiary, mean that he should stay there until his time had expired, it is hardly probable that the Courts would decide the opinion to be erroneous.

—The Democratic National Executive Committee meets at Washington on the 22d of next month to determine upon the time and place of holding the National Democratic convention for the nomination of President and Vice-President.

—A negro baby was born in Searcy last week, with a full set of teeth.

—The Press says the city weigher at Pine Bluff has weighed 12-200 bales of cotton.

## SCHOOL WARRANTS.

We publish in to-day's paper the act of our last legislature providing for the cancellation and re-issue of outstanding school warrants.

Under this law our county court has made an order in accordance with its provisions, which will also be found in to-day's paper. This is a matter of importance to those holding school warrants, and we commend a careful perusal of the law and the order to those interested.

## EDITORIAL NOTES.

—Blaine is the sour apple tree of Radicalism.—[N. Y. Herald.]

—The Little Rockers propose to make a grand affair out of Mardi Gras this year.

—The widow of the late ex-President Johnson died, at Greenville, Tenn., on the 15th inst.

—Land Commissioner Smith is in Washington, D. C., looking after the landed interests of Ark.

—They have very deep snow out in Nevada. Here it was so warm last Saturday evening that a good fan would not have come amiss.

—Cincinnati, Ohio, has been settled upon as the place for holding the National Republican Convention. The convention will meet on Wednesday June 14th.

—Babcock's trial will commence on the 31st inst. Babcock has an array of counsel retained, embracing some of the most eminent members of the legal fraternity from various portions of the United States.

—The municipal election in Memphis, passed off quietly and was a complete victory for the democrats, Judge Flippin having been elected Mayor by a majority of 4355. The democratic candidates for Aldermen, Councilmen and School Trustees were elected all over the city.

—The time for letting the contract for extending the limits of the penitentiary and adding more cells is on the 12th of next month. That's business! Make room enough within the walls to hold all the convicts and then keep them there, and don't send them out to compete with free labor.

## A PRACTICAL IMPROVEMENT.

The first step toward retrenchment in expenses and reduction of salaries has been taken by the Democrats of the House of Representatives. This is a direct blow at the Ring and Jobbers who under the rules of the House, as established by Republican domination, have had no trouble in leading the appropriation bills with their schemes of plunder. The Democrats of the House will get credit for this move. The New York Sun, on this subject, says:

"Under Republican domination the rules of the House of Representatives, by a strange perversion of power, only permitted expenditures to be increased and salaries raised, while they actually forbade reductions in the one or retrenchment in the other. It was a one-sided arrangement by which the rings and jobbers always succeeded in crowding the appropriation bills with their plunder."

On Monday the Democrats radically changed this shameful practice by an amendment which Mr. Cox reported from the Committee on Rules to retrench expenditures and to reduce salaries. The Republican leaders could not swallow this bitter pill with comfort. Mr. Garfield wanted to run in the old groves, and said, "to give the Appropriation Committee such a general sweeping power now is to render obsolete the powers of all the other committees of the House." Mr. Hoar and Mr. Kasson also raised their voices of protest. Mr. Hale saw the greatest dangers ahead if extravagance did not go on. He dolefully told the House: "I believe that if you give to that committee the power that is here sought to be given, the power to change existing laws in their general appropriation bill, which

they have the right to report at any time, the whole framework of this Government may be revolutionized by that committee. So far as its reports may go, there is nothing that it may not do."

The country has been robbed of hundreds of millions under this plea of "existing laws," which, with rules constructed to favor prodigality, blocked the way for every effort at reform on the part of the minority. The army, navy, Indian, and miscellaneous stealings have been kept up for years by this method. Now, when the majority is reversed, and it is proposed for once to legislate on the side of the people and against the Rings and plunderers, the Republican chiefs rush to the rescue, and are appalled at the prospect.

On the test vote the two parties separated, and the lines were tightly drawn. The Democrats sustained the rule for retrenchment in a body, and the Republicans opposed it solid. That division indicates that all the proposed reforms will be resisted at every step, and they can only be carried by strict party votes. But this new rule moves the great obstacle to a reduction of the public expenditures, and enables the House to stand up against any dictation by the Senate or veto of the President. One good is accomplished, and the first step toward improvement is taken. Let us rejoice for that much at least, and hope for more.

## The Tobacco Tax.

HOUSE OF REPRESENTATIVES, WASHINGTON, D. C., Dec. 28, 1875.

Editor Gazette, Little Rock:

DEAR SIR—Mr. Leonidas H. Kemp, of Turin, Grant county, and several others of the Third district, having inquired of me whether a tax was required to be paid by persons who raised tobacco exclusively for their own use and consumption and being desirous of giving correct information on the subject, I communicated the inquiry to the commissioner of internal revenue who sent me the enclosed reply which being a matter of general interest to many of our farmers, I hope you will give it space in your valuable paper and request your state exchanges to do likewise as the best means of communicating the ruling of the department to the people.

Yours truly,  
W. W. WILSHIRE.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE, WASHINGTON, D. C., Dec. 16, 1875.

SIR: In your letter of the 14th inst. you state that many inquiries are made of you by your constituents—small farmers in the interior of your state as to whether they are allowed under the internal revenue laws to manufacture tobacco of their own production, "in any form," for their own use exclusively, and you desire an answer to this question from this office.

In reply I have to inform you that the law regards any and every process of working or preparing raw or leaf tobacco for consumption, other than the ordinary mode of drying and curing it for general sale, "manufacturing." But the several liabilities imposed upon manufacturers of tobacco are coupled with the condition that the person thus employed shall be employed to such an extent, or in such a manner as to constitute "a business."

The specific tax of twenty-four cents a pound imposed by law on all manufactured tobacco, is also coupled with a condition, viz: that the tobacco shall be manufactured and sold, or removed for consumption or use. I am therefore of opinion that where the manufacturing of tobacco is not made a business, and where there is no sale or removal for sale or consumption, as for instance where a farmer upon his own premises twists or otherwise manufactures tobacco of his own growing, and for his own use exclusively, and who neither sells nor offers for sale, nor removes from his own premises, either for sale or consumption, tobacco so grown and manufactured by him such farmer is not liable under the United States internal revenue law for a special tax of a manufacturer, nor to the tax of twenty-four cents a pound on such tobacco.

Yours respectfully,  
D. D. PRATT, Com'r.

Among candidates for the Republican nomination for the Presidency, Conkling expects the support of New York, Hartman that of Pennsylvania, Logan that of Illinois, Blaine that of Maine and some other states in New England, Flays that of Ohio, Bristow that of Kentucky, while Grant has that of the entire south, and the office-holders. Grant commands almost a majority at the start.—[Exchange.]

## CONVICT VS. FREE LABOR.

Popular Indignation in Argenta.

Large and Enthusiastic Meeting.

Resolutions Adopted—Committee to Wait on the Governor Appointed.

The following are the resolutions unanimously adopted at the citizens meeting at Argenta last week:

WHEREAS, The Memphis and Little Rock Railway company have thought proper, in defiance of public sentiment and the rights and interests of the people, to employ convict labor at their shops and depot in Argenta, thereby depriving free labor of fair and honorable compensation, and bringing reproach upon our institutions; therefore, be it

Resolved, 1. That we, the citizens of Argenta, in mass meeting assembled, do hereby enter our most solemn protest and remonstrance against the perpetration of such an outrage, and in the name of justice, liberty and equality, demand the instant and immediate discontinuance of the same.

2. That the employment of convict labor outside the walls of the penitentiary is, of itself, an outrage upon justice and a scandal to good government; but when convicts are so employed as to crowd out free labor from its accustomed pursuits, it becomes a most grievous and intolerable wrong, and one which no free people ought to submit to.

3. That the president of this meeting appoint seven prudent and discreet citizens to wait on his Excellency Gov. Garland with the request that he use all the constitutional power within his control to prevent the further employment of convict labor in our community; and if it be found that the governor is not clothed with sufficient power to redress our grievances, that the authorities of the courts be invoked in our behalf; and if it be found that both the executive and judicial departments of the government are powerless to afford the desired relief, that we will then meet to consider how far the people are capable of directly exercising their sovereign powers to abate and remove an intolerable nuisance.

4. That it is our firm purpose and determination that convict labor shall not be employed in our midst to the detriment and injury of our laborers and mechanics; and that as peaceable and law-abiding citizens, we will adopt all peaceful and lawful remedies to prevent such a wrong and outrage; but if it be found that the laws afford us no peaceful remedy for such flagrant and intolerable wrong, that we hereby pledge ourselves to adopt such other measures as will be efficacious in procuring a certain and speedy remedy.

5. That a copy of these resolutions be presented to Gov. Garland, and that the Little Rock Star and Gazette be requested to publish the same, with such remarks as they deem proper and pertinent.

6. That this meeting, when it adjourns, shall adjourn subject to the call of the president.

## SUPREME COURT DECISIONS.

Abstracts Prepared by Chancellor John R. Aiken.

From the Daily Gazette.

Lingheard et al. vs. Deltz. Appeal from Pulaski.

In an action against Lingheard before a justice of the peace, a garnishment was issued against the Cairo & Fulton Railroad Co. Judgment and appeal. Harrison, Jr., delivered the opinion.

ABSTRACT: The writ of garnishment cannot issue in a civil action before judgment, except in cases of attachment. Sec. 396 of Gann's Digest is to be construed in its original connection with attachments in civil code.

Lavender, administrator, et al. vs. Abbott, administrator. Appeal from Arkansas county.

This was a bill by Abbott, administrator of Wells, to foreclose an equitable vendor's lien on land sold by the ancestor of the intestate Wells. Personal security had been taken of these notes, which, it was claimed, was intended as a waiver of the lien. Decree of foreclosure. Appeal by Lavender. Opinion, by Judge Walker.

ABSTRACT: The lien of a vendor for foreclosure money passes to his heirs or devisees.

The general rule is, that the

vendor of land has an equitable lien for the purchase money. If he takes an independent security, such as a mortgage on the other land, or the transfer of negotiable paper, the presumption is that he means to waive the lien, and the onus is on him to show that he did not. No such presumption will arise, however, from taking personal security on the purchase note. The onus is then on the purchaser to show that a waiver of the lien was intended.

Decree affirmed, on the proof.

State vs. Webster, et al. Appeal from Lonoke county.

Appeal by the State from a decision of the circuit court quashing an indictment on demurrer, because christian names of defendants were not given in full. Opinion by English, chief justice.

ABSTRACT: 1. Misdemeanor in an indictment is, at common law, only matter in abatement, and could not be reached by demurrer, nor can it now.

2. The criminal code, section 1785 of Gann's Digest, provides the mode of correcting an error in names in an indictment. If the defendant had pleaded in abatement, furnishing the true names, the court would have entered it of record, and overruled the plea.

3. Where some of the defendants are fully named, and others not, the indictment at common law would only be quashed as to those not sufficiently named.

Judgment reversed and case remanded.

## To Collectors of Revenue.

AUDITOR'S OFFICE, Little Rock, Jan. 21, 1876.

The tax to pay interest on the public debt, known as the "Sinking Fund tax" is payable in United States currency, treasurer's certificates, issued prior to March 16th, 1871, and over due coupons of the ten year bonds. The liquor license is payable in United States currency, treasurer's certificates issued prior to the 28th April, 1873, and treasurer's certificates issued since the 10th day of November, 1874, and over due coupons of the ten year bonds. All other State tax in state scrip issued at any time, and over due coupons of the ten year bonds.

Very respectfully,  
W. R. MILLER, Auditor.

On Tuesday night last a Mr. Field was shot and badly wounded by one Mr. Litteral. The cause, the same old, old story, of whiskey and cards. After the shot was fired Litteral ran but was captured by deputy sheriff Wallace on Wednesday and was tried on Thursday and found guilty of an assault with intent to kill, before Mayor Glenn sitting as an examining court.

RUSSELLVILLE, ARKANSAS, January 25th, 1876.

Notice is hereby given that I have this day executed bond as the assignee of James G. Ferguson for the benefit of his creditors, which bond has been approved, and I have taken charge of the assets of said Ferguson, and all persons who may hold claims against said James G. Ferguson will present them duly authenticated that the same may be filed and allowed, and all persons who may know themselves indebted to said Ferguson are notified that they must come forward and pay such indebtedness if they wish to save cost and expense in the matter as the claims will after a reasonable time be put in the hands of an attorney for collection.

J. B. ERWIN, Assignee.

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HOUSE BILL 223.

An act to provide for the cancellation and reissue of outstanding school warrants, and to provide for a uniform system of registering and issuing the same.

Be it enacted, etc. Section 1. That the county court of each county in the state shall, at its first session after the passage of this act, provide for the cancellation and reissue of all outstanding school warrants, in each school district in the county, and also provide for a uniform system of registering and issuing the same: Provided, That if they shall fail to take such action at said term of court, they may at any future time. They shall proceed as follows:

First—They shall provide a book in which a separate record shall be kept of the financial condition of each school district.

Second—They shall publish, in a newspaper of the county, a copy of their proceedings, requiring all persons who hold school warrants or any other certificate of indebtedness against any school district in the county other than the single school districts of cities and towns, to present them within ninety days from the publication of said notice of cancellation and reissue, and providing that if any person fails to present his school warrant within the above specified time it shall be rejected, and all rejected warrants shall be null and void. Provided: That if there is no newspaper published in the county, they shall cause notices of their proceedings to be posted in the county court-house, and in at least two conspicuous places in each school district in the county.

Third—Upon the presentation of said warrants each piece shall be critically examined by the county judge and county clerk, who shall determine the validity of said warrants, and for the purpose of which investigation, the county judge may summons witnesses where the validity of any warrant is in doubt. If they shall determine that it has been legally issued, a new warrant

shall be issued by the county clerk against the district where it was given, and numbered and registered in the book provided for that purpose. If any warrant is rejected it shall be so registered in the same book on a separate page.

Fourth—The clerk, sheriff, and witnesses who may be summoned in any investigation provided for by this act, shall be allowed the same fees as are now allowed by law for similar services, to be paid out of the county treasury.

Sec. 2. That the order of any trustee or board of directors properly drawn after the passage of this act, other than those of single school districts in cities and towns, shall be presented to the treasurer of the proper county within sixty days after it was drawn by said trustee or board of directors: Provided, That if such order is not presented within the above specified time, it shall be rejected and become null and void. All such orders shall be paid in the order of their presentation. If there are no funds with which to pay such order, he shall indorse the same "not paid for want of funds," giving the date and signing his name officially. Within thirty days thereafter the holder of such order shall present it to the county clerk, who shall issue to him a warrant for the amount of such order at par, payable only at the county treasurer's office when in funds to the credit of said district. He shall number and record each warrant in the book provided for such purpose, keeping a separate record for each district: Provided, That if such order is not presented within the above specified time, it shall be rejected and be null and void.

Sec. 3. All laws inconsistent with the provisions of this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved, November 30, 1875.

—Fayetteville Democrats—Mr. George Gibson, living on Illinois river, in this county, brought us monster beet this week. It weighs twelve pounds.